

## SENATE—Wednesday, September 26, 2001

The Senate met at 9:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

The PRESIDING OFFICER. Today's prayer will be offered by the guest Chaplain, Dr. Hayes Wicker, Jr., of the First Baptist Church, Naples, FL.

### PRAYER

The guest Chaplain, Dr. Hayes Wicker, Jr., offered the following prayer:

Lord, we praise You as supreme sovereign; from You, through You, and to You are all things. By You we were created; in You we trust; in Your word we hope. We humble ourselves today and, Lord, we ask that You would forgive us for the pride of thinking that we are self-made. Forgive us when we desire justice on earth but not in eternity. It's not easy to live right side up in an upside down world. Help those on both sides of the aisle in the Senate to be on the Lord's side and not to be neutral with national or personal evil. Father, steel our wills to do righteousness, to defend those who cannot defend themselves, and to pursue justice for all.

God, bless America and shed Your grace on us, not because we deserve it but because of Your mercy and because the world so desperately needs a light-house of truth. We thank You that recent horrific events that were meant for evil can be molded into good and, Lord, we ask that You would give protection, not mainly for our lifestyle but for Your glory, for liberty, and for our children and future generations.

Father, we pray for those who are mourning right now, but we thank You that they do not mourn as those who have no hope, and we do not remember as those who have no anchor.

Lord, we ask You right now to help these leaders to be faithful, to fight the good fight, to finish the course, and to keep the faith. Give us divine wisdom today and not just a human agenda. God bless our President with the smile of Your approval and the light of Your guidance. In the name of our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 26, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

### SCHEDULE

Mr. REID. Madam President, there will be 30 minutes of morning business equally divided between the two leaders today. We expect to consider the Military Construction Appropriations Act today. We have not yet received it from the House, but we understand it is on its way. The two managers of the bill, who have been working on the Defense authorization bill, are at the Pentagon now. We expect them to return shortly. They have some amendments they have cleared.

As the majority leader announced last night, it is not certain we will proceed with the Defense bill. We are trying very hard, before 2 p.m. today, to have a finite list of amendments. A couple of Members were unwilling to give us a list. As has been mentioned by the two managers of the bill, Senators LEVIN and WARNER, and the majority leader, Senator DASCHLE, this bill is very important.

We have a state of emergency in this country, and it will send a very bad message to the men and women we have in the service that we cannot pass a Defense bill today. So we are hopeful and confident those two Senators who have been unwilling to allow us to have a finite list of amendments will allow us to do that. If they do not, as the majority leader said, he will have no choice but to pull this bill.

We have the airline legislation we need to complete to make sure that passengers are safe. We have important legislation dealing with employees who are left without work as a result of the terrible tragedy in New York. We have to do that. We have 12 appropriations

bills that have not been completed yet. We have a lot of work to do, and therefore we need to complete the Defense bill soon. If we have to wait, with no finite list of amendments when we come back, we probably will not be able to complete it, which will be a shame.

There will be rollcall votes through the morning, with the last one being at 2 p.m. today. There will be no rollcall votes on Thursday or Friday. The leader has indicated there will be a late vote Monday afternoon more than likely.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for up to 5 minutes each. Under the previous order, the majority leader or his designee is recognized to speak for up to 15 minutes. Under the previous order, the Republican leader or his designee is recognized to speak for up to 15 minutes.

The Senator from Maine.

Ms. COLLINS. Madam President, I ask unanimous consent that I be permitted to speak in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### TRIBUTE TO MARY BERRY GERWIN

Ms. COLLINS. Madam President, as our Nation mourns the loss of thousands of our citizens in the terrorist attacks on America, many of us in Washington and in Maine also grieve the passing of a very special person who devoted her professional life to public service, Mary Berry Gerwin.

Mary was only 46 when she died on September 18, after a courageous 9-year battle with cancer. In her short time on Earth, however, Mary had a greater impact on public policy and on those of us who knew her than most people accomplish in lifetimes that last twice as long as hers.

I will share with my colleagues a little bit about Mary's remarkable career in public service. Most recently, Mary held the position of Deputy Assistant

Secretary of Defense for Health Affairs. During her tenure at the Pentagon, she received the Outstanding Public Servant Award from then-Secretary of Defense Bill Cohen.

Among Mary's duties at the Pentagon were working with service members, retirees, and their families on a variety of health care issues. She traveled extensively to the Middle East, Korea, and Bosnia, to meet firsthand with service members to discuss health care and quality-of-life issues. She also visited refugee camps in Kosovo to help improve conditions there as well.

I came to know Mary when we worked closely together as staff members on the Senate Subcommittee on Oversight of Government Management from 1981 to 1987. The very first day I met her, I knew Mary was a star. She was extraordinarily bright, and no one ever worked harder or longer. Her work ethic was legendary. In fact, her longtime boss, former Senator and Secretary of Defense Bill Cohen, remarked of Mary that a raised eyebrow could send her back to her desk at 8 p.m. to work another 4 hours to midnight.

She was also a lot of fun, with an optimistic outlook and a quick wit that helped to sustain her through her lengthy illness. Mary succeeded me as the subcommittee staff director in early 1987. She then went on to serve as staff director of the Senate Special Committee on Aging when Senator Bill Cohen became its chairman.

During her years in the Senate, Mary contributed enormously to legislative accomplishments. She drafted significant bills, including the Social Security disability reform bill, landmark anti fraud and abuse legislation, nursing home, and long-term care Medicaid reforms, the Independent Counsel Act, the Ethics In Government Act amendments, and a major revision of the Clinical Laboratories Improvement Act, as well as procurement and information technology reforms. Mary was particularly proud of Aging Committee hearings in 1996 that led to increased funding for the National Institutes of Health for research on diseases such as Alzheimer's, Parkinson's, and spinal cord injuries.

Mary touched so many lives. Members of our Armed Forces and senior citizens who never had the pleasure of meeting Mary have better lives because of her work. But it is we who knew her personally who were truly pleased. Mary was kind and generous, not only to those of us who were her friend but to everyone she met or with whom she came in contact. Let me tell you one story.

Every day Mary would purchase her Washington Post from an elderly man. Her husband Ed used to chuckle that Mary was the only person in Washington who would spend \$5 every day buying her newspaper.

Mary approached her illness with an abiding faith and remarkable courage

and cheerfulness, even as she underwent excruciatingly painful treatments for her cancer. Whenever I called to check on her, she was remarkably upbeat and optimistic. She would quickly turn the conversation to what I or another friend was doing, rather than talking about the treatments she was undergoing.

I am reminded of Walter Mondale's tribute to one of our greatest Senators, Hubert Humphrey, shortly after Senator Humphrey's death. He said: Hubert taught us how to live and he taught us how to die. Mary, too, taught us how to live and how to die.

Mary's boss for two decades, former Secretary of Defense and Senator Bill Cohen, delivered an eloquent eulogy to Mary at her funeral mass on Sunday. I ask unanimous consent that his eulogy be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit No. 1.)

Ms. COLLINS. Our thoughts and prayers are with Mary's wonderful family, particularly her mother, her husband Ed, and her two daughters, Katie and Kristen. Katie worked as an intern in my office during this past summer and she is so like her mother—bright, cheerful, strong, and hard working. Mary's legacy is reflected in those terrific daughters, as well as in her professional career. I am so thankful to have had the opportunity to have been her friend.

#### EXHIBIT NO. 1

EULOGY BY WILLIAM S. COHEN OF MARY GERWIN, SEPTEMBER 22, 2001

We have all been overwhelmed and immobilized by grief in the days since the terrorist attacks last week. Grief has had the power to silence us, to bring us together, to rouse us to action. As we have gathered around television sets since September 11, staring mutely at the incomprehensible carnage and horror, we may have had some acquaintance with the victims or we have simply grieved for our nation and our fellow citizens.

Today is different. Today, we are truly taking note of a death in the family. A death in Mary's immediate family, of course, but also in the family of unique individuals I have been privileged to assemble and work with during years in Congress, the Pentagon, and beyond. This is a team of talented men and women who are bound together by many invisible threads, who have worked together, played together, sometimes fought together, and looked after each other for more than 25 years.

Mary's death has brought us here today, and we grieve and we are angry. Angry that she was so sick for so long, angry that she left us at such a ridiculously young age. But even in our anger and our grief, we celebrate her. Everyone in this room knew Mary as a colleague, an employee, a boss, a mother, a daughter, a sister, a wife, or a friend. I'd like to talk about the Mary I knew, the Mary all of us knew.

My friendship with Mary started 20 years ago. I was a freshman senator, and she was a kid from Portland who had just gotten out of

law school. She came to work for me and, unbeknownst to either of us, we started an adventure together that led to writing and changing major laws in this country, led to her visiting and working with US troops in Korea, Bosnia and Saudi Arabia, led to her working with refugee camps in Kosovo, and led to a friendship as well.

But it started for both of us in Maine. Mary didn't come from a well-to-do family. Neither did I. Mary lost her dad when she was just a baby, and her Mother worked at the railroad and raised four terrific kids on her own. Mary knew how real people in Maine worked and loved and struggled, and that knowledge made her very effective when she helped to write and rewrite the laws that affected their lives.

Mary and I had something else in common. We both started out as practicing lawyers. But not for long. We were both drawn to the greater possibilities of public service. Mary graduated cum laude from Georgetown Law and spent a very short and uninspiring few months at a law firm, which prompted her to look for work on the Hill. It was one of the luckiest things that could have happened to me.

It seemed there was nothing Mary couldn't do. She worked closely with a great team that included another remarkable young woman named Susan Collins, whose service as a United States Senator today makes us all very proud. Together, this group ran a subcommittee that oversaw how government programs are run and tried to improve them. Later, Mary ran the staff of the Senate Aging Committee as well, working to improve the lives of older Americans.

Once I got to know Mary and her work habits, I used to joke with her that the Nuns must have really gotten to her in Catholic school—I had never seen anyone who would stay so late, work so hard, or be so easily made to feel guilty about leaving anything undone. A simple raised eyebrow could send her back to her desk until midnight.

A truly dedicated mother, Mary understood deeply the difficult balance between being a good parent and being a professional. But instead of complaining about it, she took action—helping to create the Senate Child Care Center so that her children and others could get the highest quality child care and pre-school education.

Because of Mary Gerwin and her energy and innate sense of fairness and compassion, here are some of the ways our country is different, and better:

—Disabled Americans live in greater dignity,

—The savings of older Americans are better protected from investment fraud,

—There is less fraud and abuse in the health care system,

—People who receive Medicaid and live in nursing homes are treated better,

—The government spends its contracting dollars more wisely, resulting in billions of dollars saved,

—More research money is spent fighting conditions such as Parkinson's Disease and spinal cord injuries.

There was another effort that Mary championed, and it is called the Independent Counsel Act. Not everyone loved this law. My old boss, President Clinton, really didn't love it. But we worked hard on it because the law said, in effect, no one is above the law, even the President. Mary Gerwin kept this law alive almost single-handedly. Many people, particularly in our own party, opposed this effort. Mary fought for it anyway, and she won.



When I went to the Pentagon, I asked Mary to come with me. She was the person I turned to health issues affecting our troops, and there were many such issues. She worked with me and with a deeply talented public servant, Rudy De Leon, who also became a good friend to Mary. She didn't just know the right answers—she found out from the troops what they needed.

Even in times when her illness was sapping her strength, she was traveling to Korea, to Bosnia, to Saudi Arabia to talk to our forces and find out how the Department of Defense could serve them better.

She came with Janet and me in 1999 for our annual holiday visit to the troops, which is a very arduous trip involving several countries in just a few days and in bad weather. But she wanted to go, and she brought great comfort to the many troops she spent time with.

After I left office, Secretary Rumsfeld asked Mary to stay on, and she worked well into June before she became too weary. She loved working with the troops. In this way, she was like the father she never knew, who was a Navy recruiter and loved helping young sailors with their problems.

I mention a sampling of Mary's accomplishments for a reason—to underscore the good that can be done in a life of public service. Mary's accomplishments would be extremely impressive if they were spread over a 50 year career. She had such a short time, and she did so much.

Her accomplishments would also be impressive if they were all she did. But she saved her best energy for being a wife and a mother, as well as a daughter and a sister.

You only have to spend a few minutes with Katie and Kristen to see what kind of mother Mary has been, as well as what kind of father Ed has been. Katie and Kristen are exemplary young women—apples who have not fallen very far from the tree. And Mary and Ed had one of the best marriages I knew of—supportive and positive and loving at all times, even the bad times.

It is remarkable to reflect on Mary's degree of professional accomplishment and personal success when we consider the inescapable fact that the last ten years of her life were spent fighting an awful illness. The pain and difficulty she endured is unimaginable to most of us. Many of us would have given into despair. Mary stayed positive and productive even in the worst of times. She hated to be thought of as sick. She hated for people to cut her any slack because of her illness.

It is tempting for us all to be angry and feel cheated about a life which ended so soon and had so much suffering in the last ten years. I knew Mary for 20 years, and I wish I had 20 more with her. But we know that we were lucky to know her at all. Rarely in life are we fortunate enough to appreciate the truly special people in our lives. Mary was someone you could count on. She touched all of our lives. She made us laugh, she astonished us with her bravery and devotion to God. There will never be a day that her smile, her love, and her courage will be far from our thoughts.

On September 11, a great many friends and colleagues of ours at the Pentagon, and many more we didn't know in New York, passed from this world to a better place. Last Tuesday, they were joined by a very special angel. Mary, we will miss you.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mr. WYDEN. Madam President, I ask unanimous consent that morning business be extended for an additional 15 minutes to accommodate my remarks this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Thank you very much, Madam President. I know Senator FEINSTEIN is here. I intend to be brief this morning.

#### EMERGENCY TECHNOLOGY CORPS

Mr. WYDEN. Madam President, this morning I want to discuss a proposal which I think is important in light of the tragic events that unfolded on September 11, 2001.

As all of us now understand, the communications infrastructure in New York, Washington, DC, and indeed the whole country, was severely challenged that day. Wireless telephone networks were severely overloaded and crashed. Wireless Internet access was suspended. Telephone lines were cut, and communications for people literally in communities around the east coast of the United States came to a standstill. Even the immediate communication needs of rescue workers, victims, families, and aid groups were a huge struggle to coordinate. Survivors often couldn't let family members know they were safe, and families of victims had no immediate central clearinghouse to find information or file missing person reports.

The hospitals were inundated with searches, requests for help, and offers of aid but with no way to match them to each other. Even some of this country's premier aid organizations that have done such a marvelous job helping rescue workers, survivors, and victims' families faced immediate and severe challenges with respect to information technology infrastructure. The New York Times drew a conclusion with which I strongly agree. They said: There needs to be new ways to set up emergency information systems.

That is what I would like to propose this morning. It seems to me that what this country needs is essentially a technology equivalent of the National Guard, an emergency technology guard—I have been calling it in my mind Net Guard, or a national emergency technology guard—that in times of crisis would be in a position to mobilize the Nation's information tech-

nology, or IT, community to action quickly, just as the National Guard is ready to move during emergencies.

It seems to me that in our leading technology companies in this Nation there are the brains and the equipment to put in place net guard, or this information technology guard, that could be deployed in communities across the Nation when we face tragedies such as we saw in New York City.

A national volunteer organization of trained and well-coordinated units of information technology professionals from our leading technology companies ought to be in a position to stand at ready with the designated computer equipment, satellite dishes, wireless communicators, and other equipment to quickly recreate and repair compromised communications and technology infrastructure.

With congressional support, the leaders of our Nation's technology companies could organize themselves, sell their employees and their resource for this purpose. Medium- and small-sized businesses would be able to contribute once a national framework is put in place. Certainly the resources from the standpoint of the Federal level need not be extensive. Individuals could be designated from existing human resource programs of major and medium-sized firms and the technology professionals would be trained to perform specific tasks in the event of an emergency.

I intend to use the subcommittee that I chair of the full Commerce Committee that is chaired by Senator HOLLINGS to initiate a dialog among congressional, corporate, military, and nonprofit leaders to begin a new effort to mobilize information technology in times of crises.

As we seek to prevent future disasters, I believe that the technology professionals of this Nation in many of our leading companies—as most Americans—want to use their skills, their equipment, and their talents to answer this call and do their part.

I propose with a national emergency technology guard—what I call tech guard—that we give to the leading information technology professionals in this country a chance to use their ingenuity and creativity to ensure that there is greater safety and stability for our communities and our citizens in the coming days.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mr. BYRD. Madam President, will the distinguished Senator yield?

Mrs. FEINSTEIN. Absolutely.

Mr. BYRD. I assure her that if she wants the opportunity to proceed, I will resist in my remarks and take my chair.

Mrs. FEINSTEIN. Fine. Please proceed.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.